

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DILLON RAE BYERS,

Defendant.

CR 20–18–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations in this matter on November 23, 2020. (Doc. 43.) Neither party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto recommended this Court accept Dillon Rae Byers’ guilty plea after Byers appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of being a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), as set forth in the Indictment.

The Court finds no clear error in Judge DeSoto's Findings and Recommendation, and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. Accordingly,

IT IS ORDERED that the Findings and Recommendations (Doc. 43) is ADOPTED in full. Dillon Rae Byers' motion to change plea (Doc. 33) is GRANTED and Byers is adjudged guilty as charged in Count I of the Indictment.

DATED this 9th day of December, 2020.



Dana L. Christensen, District Judge
United States District Court